

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE
N/S Peach Orchard Rd. 200 ft.
W of Watersedge Road
8218 Peach Orchard Road
12th Election District
7th Councilmanic District
Charles A. Romano, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-396-A
*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a front yard average depth of 19 ft. in lieu of the required 25 ft. for an addition, as more particularly described on Petitioner's Exhibit No. 1.

The Petitioners having filed a Petition for a Residential Variance, the subject property, known as 8218 Peach Orchard Rd, improved with a single family home, zoned D.R. 5.5, having been posted and there being no request for a public hearing, this matter is ready for determination. The Petitioners are requesting a variance for a front yard average depth of 19 ft. in lieu of the required 25 ft. for additional living space in the kitchen.

The Petitioner has filed the supporting affidavits, as required by Section 22-26 (b)(1) of the Baltimore County Code. There is no evidence in the file or record to indicate that the variance would adversely affect the health, safety and/or general welfare of the public and, therefore, the relief should be granted.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of

the
Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must

take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

WHEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 31st day of May, 1991 that the Petition for Zoning Variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a front yard average depth of 19 ft. in lieu of the required 25 ft. for an addition, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this

Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. Upon request and reasonable notice, the Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated 5-23-91 attached hereto and made a part hereof.

J. Robert Haynes
J. ROBERT HAYNES
Zoning Commissioner
for Baltimore County

JRH/mnn
cc: Peoples Counsel

ORDER RECEIVED FOR FILING
Date 5/31/91
By [Signature]

ORDER RECEIVED FOR FILING
Date 5/31/91
By [Signature]

ORDER RECEIVED FOR FILING
Date 5/31/91
By [Signature]

ORDER RECEIVED FOR FILING
Date 5/31/91
By [Signature]

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-396-A CRITICAL AREA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plot attached hereto and made a part hereof, petition for a Variance from Section 303.1 for a front yard average depth of 19 foot in lieu of the Required 25 foot

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason (indicate hardship or practical difficulty)

Additional living space in kitchen to accommodate disabled family member in wheel chair

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

Charles A. Romano

(Type or Print Name)

Signature

Paullette T. Romano

(Type or Print Name)

Paullette T. Romano

Signature

301-254-2030-W

8218 Peach Orchard Road 301-282-9362-H

Address

Baltimore, Maryland 21222

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

SAH

Name

Address

ORDERED by the Zoning Commissioner of Baltimore County, this 19 day of APR, 1991, that the subject matter of this petition be posted on the property on or before the 1 day of May, 1991.

J. Robert Haynes
J. ROBERT HAYNES
Zoning Commissioner of Baltimore County

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED,

IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this 19 day of APR, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 105, County Office Building in Towson, Baltimore County, on the 19 day of APR, 1991, at 10 o'clock, A.M.

ORDER RECEIVED FOR FILING
Date 5/31/91
By [Signature]

ZONING COMMISSIONER OF BALTIMORE COUNTY

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

91-396-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

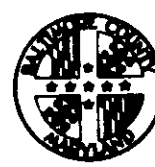
That the Affiant(s) does/do presently reside at 8218 Peach Orchard Road
Baltimore, Maryland 21222
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)
Additional living space in kitchen to accommodate disabled member of family in wheel chair.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Paullette T. Romano
AFFIANT (Handwritten Signature)

AFFIANT (Printed Name)



Charles A. Romano
AFFIANT (Handwritten Signature)

AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 19 day of April, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Paullette & Charles Romano

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

April 19, 1991
DATE

James E. Petrus
JAMES E. PETRUS
NOTARY PUBLIC

My Commission Expires: My Commission Expires April 30, 1994

ZONING DESCRIPTION

91-396-A

Beginning at a point on the north side of Peach Orchard Road which is 50' wide at the distance of 200' west of the centerline of the nearest improved intersecting street, Watersedge Road, which is 50' wide. Being Lot #15 in the subdivision of Dundalk - Section C as recorded in Baltimore County Plat Book #17, folio 27, containing 5,360 square feet. Also known as 8218 Peach Orchard Road, 12th Election District, 7th Councilmanic District.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

91-396-A

District: 12TH Date of Posting: 4/28/91
Posted for: Variance
Petitioner: Charles A. Romano, et ux
Location of property: N/S Peach Orchard Rd (8218), 200' W of Watersedge Rd
Location of Sign: Facing Road Between Rd. & Watersedge Rd. on N/S side of property
Remarks: Property of Baltimore County
Posted by: M. Kelly Date of return: 5/8/91
Number of Signs: 1

receipt

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Amount: \$401.6150
Number

4/19/91 H9100404

PUBLIC HEARING FEES: \$100.00
010 - ZONING VARIANCE: \$100.00
080 - POSTING SIGNS: \$100.00
LAST NAME OF OWNER: ROMANO

PAID \$401.6150
BALTIMORE COUNTY ZONING DEPARTMENT
FROM: [Signature] TO: [Signature] DATE: 4/19/91

CRITICAL AREA

404

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

May 3, 1991

Mr. & Mrs. Charles A. Romano
8218 Peach Orchard Road
Baltimore, MD 21222

RE: Item No. 404, Case No. 91-396-A
Petitioner: Charles A. Romano, et ux
Petition for Residential Variance

Dear Mr. & Mrs. Romano:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this
15th day of April, 1991.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: Charles A. Romano, et ux

Petitioner's Attorney:

Baltimore County Government
Fire Department



700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(410) 887-4500

MAY 1, 1991

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: CHARLES A. ROMANO
Location: 8218 PEACH BOTTOM ROAD
Item No.: 404 Zoning Agenda: APRIL 30, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Capt. J. Kelly* Noted and Approved *Capt. J. Kelly*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: May 10, 1991
Zoning Commissioner

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Frank A. Cirincione, Item No. 385
Stanley Z. Steinberg, Item No. 392
John D. Ferencik, Item No. 396
Andrew F. David, Item No. 399
Richard J. Romano, Item No. 400
White Marsh Joint Venture, Item No. 401
Francis T. Leyden, Item No. 402
Charles A. Romano, Item No. 404
Dale J. Lohman, Item No. 405
T & G Partnership, Item No. 407
Westview Mall Association, Item No. 408
George Bromwell, Item No. 409
Hawley Rodgers, Item No. 412
Joseph Ruzza, Item No. 416
Ronald L. Morman, Item No. 418
Victor Khouzami, Item No. 422

In reference to the Petitioners' request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

VARIEDIT.EMS/ZAC1

Received
5/22/91

91-396-A

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: April 26, 1991
FROM: Dennis A. Kennedy, P.E.
RE: Zoning Advisory Committee Meeting
for April 30, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 385, 392, 393, 396, 399, 400, 401, 402, 403 and 404.

For Items 347 (Case #91-374-A), 394 and 395, the previous County Review Group Meeting comments are still applicable.

For Item 397, a revised County Review Group Meeting is required.

For Item 398, a County Review Group Meeting is required.

Dennis A. Kennedy
Dennis A. Kennedy, P.E., Acting Chief,
Developers Engineering Division

DAK:s

received
5/19/91

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

April 24, 1991

Mr. & Mrs. Charles A. Romano
8218 Peach Orchard Road
Baltimore, Maryland 21222

Re: CASE NUMBER: 91-396-A
LOCATION: N/S Peach Bottom Road, 200' W of Watersedge Road
8218 Peach Orchard Road

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before May 1, 1991. The last date (closing date) on which a neighbor may file a formal request for hearing is May 16, 1991. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reporting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

G. G. Stephens
G. G. Stephens
(301) 887-3391

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: May 30, 1991

TO: Mr. J. Robert Haines
Zoning Commissioner
FROM: Rahee J. Famili
SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: April 30, 1991

This office has no comments for items number 385, 392, 393, 394, 395, 396, 398, 399, 400, 401, 402 and 404.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines DATE: May 23, 1991
Zoning Commissioner

FROM: Mr. J. James Dieter, Director

SUBJECT: Petition for Zoning Variance - Item 404
Charles Romano Property
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 8218 Peach Orchard Road. The site is within the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area (IDA).

APPLICANT'S NAME Mr. and Mrs. Charles Romano

APPLICANT PROPOSAL

The applicant has requested a variance from section 303.1 of the Baltimore County Zoning Regulations to permit "a front yard average depth of 19 feet in lieu of the required 25 feet."

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.0>

REGULATIONS AND FINDINGS

REGULATIONS AND FINDINGS

Finding: The applicant agrees to install french drains on the addition's rainspouts. This will encourage maximum infiltration of stormwater and will bring this property into compliance with the 10% rule. Infiltration of stormwater is a recommended Best Management Practice in a "Framework for Evaluating Compliance with the 10% Rule in the Chesapeake Bay Critical Area".

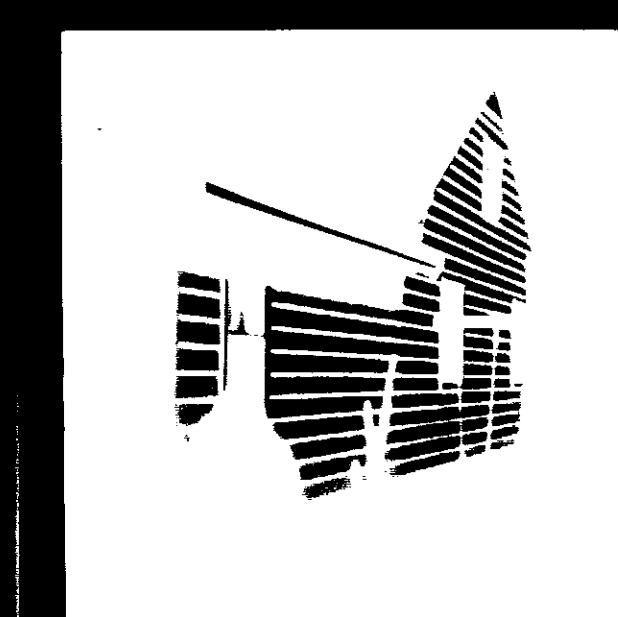
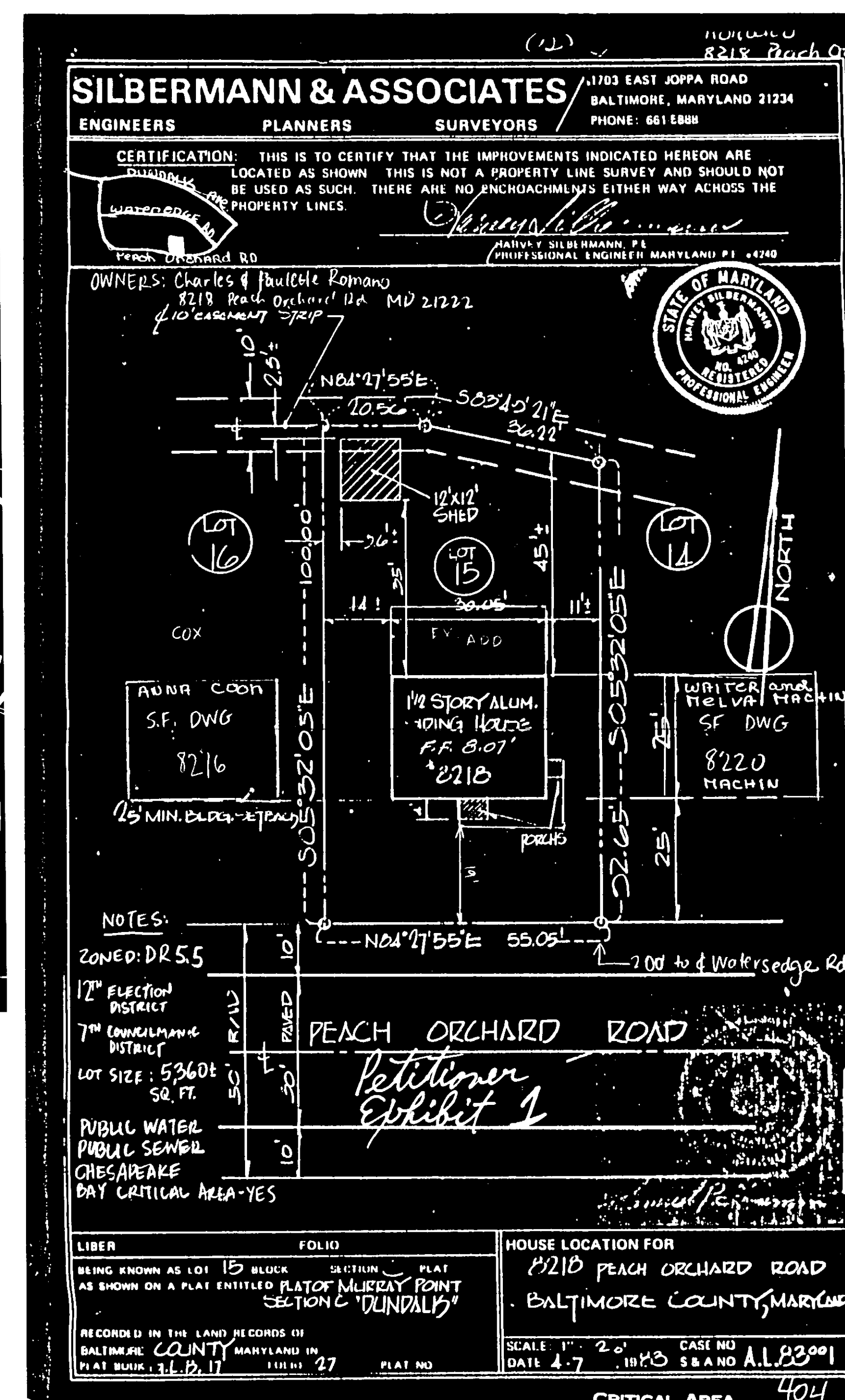
CONCLUSION

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal does comply with Chesapeake Bay Critical Area Regulations, and is therefore approved. If there are any questions, please contact Mr. David C. Flowers at 887-2904.

J. James Dieter, Director

JJD:DCF:ju
Attachment
cc: The Honorable Vincent Gardina
The Honorable Donald Mason
Mr. Ronald B. Hickernell
Mrs. Janice B. Outen
Mr. and Mrs. Charles Romano



PETITIONER'S EXHIBIT # 2



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE
1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION

DUNDALK
SOLLERS POINT

SHEET

S E
5-F

CRITICAL AREA 404